[USCG–1998–4302, 68 FR 55441, Sept. 26, 2003, as amended at 69 FR 18803, Apr. 9, 2004]

§ 126.11 Waiver authority based on local or unusual conditions.

Whenever the Commandant, the District Commander, or the Captain of the Port finds that the application of any provisions contained in §§ 126.15 and 126.16 is not necessary to the safety or security of the port and vessels and waterfront facilities therein, or that its application is not practical because of local conditions or because the materials or personnel required for compliance are not available, or because the requirements of the national defense justify a departure from such provision, the Commandant, the District Commander, or the Captain of the Port may waive compliance with such provision, to the extent and under such requirements as they determine.

[CGD 78–023, 44 FR 4643, Jan. 22, 1979]

§ 126.12 How do I request the use of an alternative method of complying with a requirement in this part?

(a) An owner or operator of a waterfront facility may request that the COTP allow the use of an alternative method of complying with a requirement in this part.

(b) The request must establish, to the COTP's satisfaction—

(1) That compliance with the requirement is economically or physically impractical; and

(2) That the alternative requested provides an equivalent or greater level of safety.

(c) The COTP examines the request and provides an answer, in writing, within 30 days of receipt of the request.

[USCG–1998–4302, 68 FR 55441, Sept. 26, 2003]

§ 126.13 Designation of waterfront facilities.

(a) Waterfront facilities which fulfill the conditions required in § 126.15, unless waived under provisions of § 126.11, and only such waterfront facilities are designated for the handling, storing, stowing, loading, discharging, or transporting of dangerous cargo, subject to compliance with other applicable requirements and provisions set forth in this part.

(b) Handling, storing, stowing, loading, discharging, or transporting dangerous cargo at any waterfront facility other than one designated by this section is hereby prohibited, and violation of this prohibition will subject the violator to the civil or criminal penalties provided in section 13 of the Ports and Waterways Safety Act (33 U.S.C. 1232).

[CGFR 57–52, 22 FR 10302, Dec. 20, 1957, as amended by CGD 78–023, 44 FR 4643, Jan. 22, 1979]

§ 126.15 What conditions must a designated waterfront facility meet?

(a) All designated waterfront facilities must meet the following:

(1) *Fire extinguishing equipment.* Fire extinguishing equipment, such as automatic sprinklers, hydrants, hose connections, and firefighting water supplies must be available and maintained in adequate quantities and locations. Fire extinguishing equipment must meet State and local laws. In the absence of applicable State and local laws, fire extinguishing equipment must meet NFPA 10, 13, 14, and 307. (Incorporated by reference, see § 126.5.)

(2) *Fire appliances.* The location of all fire appliances, such as hydrants, standpipes, hose stations, fire extinguishers, and fire alarm boxes must be conspicuously marked and readily accessible according to NFPA 10, 13, 14, and 307.

(3) *Warning signs.* Warning signs must be constructed and installed according to NFPA 307, chapter 7–8.7.

(4) *Lighting.* If the facility transfers dangerous cargo between sunset and sunrise, it must have outdoor lighting that adequately illuminates the transfer work area. The lighting must be installed and maintained according to NFPA 70 (Incorporated by reference, see § 126.5.) and must be located or